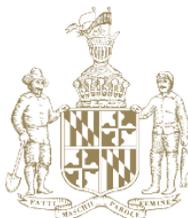


Testimony_JPC_SB0625.pdf

Uploaded by: Carter, Jill

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Jill P. Carter
In Favor of SB0625 - Courts – Jury Service – Disqualification
Before the Judicial Proceedings Committee
on February 26, 2021

Mr. Chairman, Vice chair, and Members of the Committee:

I present SB 625 Juror Disqualification to you for your consideration.

I prefer to refer to this bill not as a juror disqualification bill, but as a juror enfranchisement bill.

This legislation will re-enfranchise Marylanders who have been disenfranchised by outdated laws adopted in a by-gone era. Gone are the times when Marylanders who served jail sentences of more than a year could not vote. Now they can vote. We have re-enfranchised them. But many of these same Marylanders still cannot serve on a jury, which is a valuable right of citizenship and a right which Maryland still takes away from its citizens who serve more than a year in jail for conviction of a felony. I ask that you re-enfranchise them and restore this important right of citizenship.

Two years ago, we completed part one of Juror re-enfranchisement, when we passed my bill which was signed into law. We re-enfranchised thousands of Marylanders by raising the disqualification bar from 6 months to one year. This meant that only individuals who were sentenced for a term greater than one year were prohibited from serving on juries. A step in the right direction of substantial juror re-enfranchisement

Now, we move into part two, and fully re-enfranchise jurors in the same way that we have re-enfranchised voters in the State of Maryland. Under this bill, if you can vote in the state of Maryland, then you can serve on a jury.

We remove the barrier created by incarceration of more than a year, and we remove the barrier of pending charges. Just like we've done in our voter eligibility statute. This bill helps to bring back the civil liberties that our state has for too long taken away from our citizens that have been incarcerated.

Maryland led the nation in allowing felons to vote after serving their sentence. We did it step by step. First allowing one-time felons to vote, then allowing those with multiple convictions. Then, in 2016, we granted total re-enfranchisement, and now allow all Marylanders to vote once they have completed their sentence. Maryland was a

national leader in the Voter Re-enfranchisement movement. Now, 49 states in the US allow former felons to vote.

Maryland is a leader, and justifiably so. We can be proud of our leadership in Re-enfranchisement. But we have more work to do.

I must remind you that recent studies have shown that Maryland has the highest percentage of African Americans in jail in the country. Our disenfranchisement of those who have served sentences unfairly robs an important population within our state, and disproportionately affects this population. The disenfranchisement here also negatively affects minority defendants who have limited access to a jury of their peers when black jurors are disproportionately removed from the jury process.

With our incarceration demographics in mind, it's important that Maryland again take a leadership role and take important steps to re-enfranchise those who have served time, not just with the ability to vote, but also with the ability to serve on juries.

This bill tracks Maryland's cutting edge voter legislation of former years. Now in Maryland, once you have served your sentence, you are eligible to vote again. Under this

legislation, once you have served your sentence, you are eligible to serve on a jury again.

The philosophy is simple: Once you have paid your debt to society and have served your time, you are again eligible for the rights and responsibilities of citizenship. The right to vote and the duty to sit on juries. This bill puts Maryland on track with 20 other states and the District of Columbia by allowing formerly incarcerated individuals to serve on juries.

Fifteen years ago, this committee heard legislation that was the result of efforts of the Article 27 Committee, a blue ribbon state-wide committee chaired by Chief Judge of the Court of Special Appeals Joseph Murphy.

The committee created an overhaul of the jury system in a 49 page piece of legislation, and submitted it to the General Assembly through the Judicial Conference.

That bill became law, but it was amended in several notorious and unfortunate ways. The bill advocated full re-enfranchisement for jury service, but the legislature cut that part out.

In that bill, the Article 27 Committee recommended temporary juror disqualification for conviction of crimes

with more than 1 year punishment. The Judicial Proceedings Committee and the Judiciary Committee tightened this to 6 months. Two years ago, by passing my bill, we did as the Article 27 committee originally recommended back in 2006, and eased the initial disqualification back to one year.

An important further recommendation back in 2006 was to then allow ALL former incarcerants to eventually regain their right to serve on juries just 3 years after their sentences ended. That is, the committee recommended full re-enfranchisement for jury service after a short 3-year wait after serving a felony sentence.

Unfortunately, the legislature removed this important re-enfranchisement element, and kept the disenfranchisement alive, contrary to the recommendations of the Article 27 committee.

I ask the members here today to take the step that we failed to take back in 2006. I ask that you pass this legislation and allow all those who have paid their debt to society to eventually regain their rights and duties of citizenship.

We have done it in terms of restoring the right to vote, now we can restore the right and duty to serve on juries. Maryland has been a leader in the realm of re-enfranchisement. Let's earn this reputation and take the

next important step and give all of our citizens a path back to serving on juries. This bill passed out of this committee last session.

For these reasons, I urge a favorable report on SB 625 from this committee.

Respectfully,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive style with a large initial "J" and a stylized "C".

Jill P. Carter

SB 625 Juror Enfranchisement Support.pdf

Uploaded by: Giannetti , John

Position: FAV

Maryland Criminal Defense Attorneys' Association



MD Senate – Judicial Proceedings Committee

Friday, February 26, 2021 1:30pm

Hearing on SB 625

Courts – Jury Service - Disqualification

“Juror Enfranchisement Act of 2021”

MCDAA POSITION: SUPPORT

Brief bill explanation: This bill reverses the disenfranchisement of individuals convicted of crimes by tracking and adopting the standards used in recent years in Maryland’s voter enfranchisement legislation, which are now law.

All Marylanders who have completed their criminal sentence may vote in elections. Under this legislation, those same individuals will have their rights to serve on juries restored also. See Md. Code Elections, Section 3-102.

This bill alters the circumstances under which an individual may be disqualified for jury service by repealing provisions that disqualify individuals who received a sentence of imprisonment for more than one year or have pending charges for crimes punishable by imprisonment for more than one year. Instead, an individual is not qualified for jury service if the individual has been convicted of a felony and is currently serving the sentence imposed for the conviction, including any term of probation.

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com

MAJ Position Paper SB265 jury elibility.pdf

Uploaded by: Jarashow, Ronald

Position: FAV



Maryland Association for Justice, Inc.

2021 Position Paper

MAJ Position In Support of SB625 - Courts – Jury Service – Disqualification

SB625 changes Md. Courts Article, §8-103 “Qualification Criteria” that defines the persons that qualify and are disqualified for jury service. Under current law, a potential juror is not qualified if he or she “4) Has been convicted, in a federal or State court of record, of a crime punishable by imprisonment exceeding 1 year and received a sentence of imprisonment for more than 1 year.” Md. Courts And Judicial Proceedings Code Ann. § 8-103(b)(4). That applies to misdemeanors and felonies.

If SB625 is adopted, then only a prospective juror who has been convicted of a felony and is currently serving a sentence or on probation is disqualified from juror eligibility in a Maryland state court. This would allow anyone with a misdemeanor conviction and a person convicted of a felony who served his or her complete sentence plus probation to be eligible for jury service.

Juries are supposed to be composed of community members who will fairly judge the case based on community standards. In *Duren v. Missouri*, 439 U.S. 357 (1979), the Court recognized the criminal defendant’s rights to be tried by jurors from the community. In *Lovell v. State*, 347 Md. 623, 662, 702 A.2d 261, 280 (1997), the Court addressed whether the jury represented a cross-section of the community and constituted a fair trial when considering whether African-American jurors were excluded from the jury pool based on voting registrations.

The rationale for excluding people convicted of felonies has come under more recent criticism because there is an imbalanced racial impact. One 2003 study indicates that over 6% of the adult population and about 30% of black men are excluded from jury service. See Kalt, *The Exclusion of Felons From Jury Service*, SSRN Electronic Journal Aug. 2003.

Everyone who pays their debt to society by serving their sentence and probation should no longer be prevented from jury service.

Another justification for this change is that there are misdemeanors that may be sentenced for longer than 1 year. For example, “assault” in the second degree may include up to ten years in jail or prison under Md. Code Ann., Crim. Law §3-203. Reckless endangerment is a misdemeanor punishable by up to five years in jail or prison under Md. Code Ann., Crim. Law §3-204. And a person convicted of a second and third driving while impaired violation can be sentenced for up to 5 years and 10 years, respectively, under Md. Transportation Code Ann. §21-902. There is no compelling reason that these misdemeanor violators should be excluded from jury service as provided under current law.

Excluding people for their lifetime, as under current law, who were sentenced to more than 1 year in jail for misdemeanors and felonies is too broad. Too many community members are prohibited from jury service. SB625 creates balance by permitting misdemeanor violators and people with past felony convictions who completely served jail and probation sentences to be permitted to serve on juries as part of the cross section of the community.

The MAJ requests a FAVORABLE Committee Report.

SB625_OPD Statement_Support.pdf

Uploaded by: Williams, Krystal

Position: FAV



POSITION ON PROPOSED LEGISLATION

Bill: SB 0625 Court- Jury Service – Disqualification

Position: Favorable

Date: February 24, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 625

SB 265 would limit the number of individuals who are currently disenfranchised from serving on a jury in Maryland. Where one third of all Americans have a criminal record, this bill would allow more Marylanders to serve their community through jury service. In particular, this bill would have a significant impact on increasing opportunities for jury representation, whereby Maryland currently leads the nation in incarcerating young Black men – such that Maryland has incarcerated the highest percentage of people who are Black in this country, more than twice the national average. In 2019, the Justice Policy Institute (JPI) found more than 70% of all people in Maryland’s prisons, double the national average, and almost 80% of people serving at least 10 years, are Black.¹ These are the highest rates in the country, easily eclipsing the next closest states – Mississippi, South Carolina and Georgia.

The bill changes the current law which has a more expansive view of individuals ineligible for jury service because of criminal convictions. Individuals with criminal records are still members of their community and should not be silenced or prevented from one our country’s most basis civic duty, but also one that individuals with criminal records are directly impacted by and should a right to participate in after their sentences have been served.

For these reasons, the Maryland Office of the Public Defender strongly urges a favorable report on Senate Bill 625.

¹ <http://www.justicepolicy.org/research/12702>

For further information please contact Krystal Williams, Director, OPD Government Relations Division, by phone at 443-908-0241 or by email at krystal.williams@maryland.gov.